

REMARKS

In the last Office Action, the Examiner objected to the June 10, 2004 amendment under 35 U.S.C. §132 because the amendments to paragraphs [0025] and [0026] of the specification introduce new matter into the originally filed disclosure. Claims 1-17 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claims 1-13 were rejected under 35 U.S.C. §112, second paragraph, for indefiniteness. Claims 1, 3 and 4 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,282,652 to Ballas ("Ballas"). Claims 2, 8, 11 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ballas in view of U.S. Patent No. 3,344,684 to Steere ("Steere"). Claims 5-7, 9, 10 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ballas in view of Steere, and further in view of Higashi. Claims 1, 3 and 4 were further rejected under 35 U.S.C. §103(a) as being unpatentable over Ballas in view of U.S. Patent No. 5,897,469 to Yalch. Claims 2, 8, 11 and 12 were further rejected under 35 U.S.C. §103(a) as being unpatentable over Ballas in view of Yalch and further in view of Steere. Claims 5-7, 9, 10 and 13 were further rejected under 35 U.S.C. §103(a) as being unpatentable over Ballas in view of Yalch and Steere and further in view of Higashi.

The Examiner advised that claims 14-17 contain subject matter which is not taught by the prior art of record, but that he could not indicate allowability of claims 14-17 at this time in light of the pending objection under 35 U.S.C. §132 and rejection under 35 U.S.C. §112, first paragraph.

During a personal interview on December 7, 2004, applicants' counsel and the Examiner discussed the outstanding objection under 35 U.S.C. §132, rejections under 37 C.F.R. §112, first and second paragraphs, and prior art rejections under 35 U.S.C. §§102, 103. The Examiner tentatively agreed that the objection under 35 U.S.C. §132 and the rejections under 37 C.F.R. §112, first and second paragraphs, would be overcome if paragraphs [0025] and [0026] of the specification and independent claims 1, 8 and 14 were amended to delete the term "single" qualifying the mounting portions of the handgrips.

Alternative amendatory language for the claims to patentably distinguish from the prior art of record was also discussed during the interview. It was proposed to amend each of independent claims 1 and 8 to further define the specific manner of connecting the handgrips to the bar by reciting fastener members (e.g., screws 24 in Fig. 5B) for fixedly mounting the handgrips to the bar at a point located substantially at a center of gravity of a sum of a mass of the

respective handgrip and a mass of a portion of the bar extending between the fixing point (i.e., point at which the bar is connected to the operation rod) and a respective one of the distal ends of the bar. The Examiner indicated that the foregoing limitation would tentatively patentably distinguish from the prior art of record if claims 1 and 8 were also amended to recite that the fastener member traverses the bar and the handgrips to connect the handgrips to the bar.

With respect to independent claim 14, the Examiner advised that deletion of the term "single" qualifying the mounting portion of the handgrips would tentatively place claim 14 in condition for allowance in light of the recitation of the subject matter noted in section 14 of the September 22, 2004 Office Action which is not taught by the prior art of record.

In accordance with the present amendment, the specification and claims have been amended as proposed by the Examiner during the December 7 interview to overcome the objection under 35 U.S.C. §132 and the rejections under 37 C.F.R. §112, first and second paragraphs by amending paragraphs [0025] and [0026] of the specification and independent claims 1, 8 and 14 to delete the term "single" qualifying the mounting portions of the handgrips. Independent claims 1 and 8 have been amended as proposed

during the December 7 interview to recite, in connection with each of the handgrips, a fastener member traversing the bar and the handgrip to fixedly mount the handgrip to the bar at a point located substantially at a center of gravity of a sum of a mass of the handgrip and a mass of a portion of the bar extending between the fixing point and a distal end of the bar. Paragraph [0033] of the specification has been amended to provide literal basis for "fastener members" to conform to the foregoing amendment to claims 1 and 8. Claims 6 and 9-10 have been amended to conform to the foregoing amendments to claims 1 and 8, respectively.

The amendment to the specification and claims made herein do not raise new issues requiring further search and/or consideration. Instead, paragraphs [0025] and [0026] of the specification and claims 1, 8 and 14 have been amended as proposed during the December 7, 2004 personal interview to overcome the objection under 35 U.S.C. §132, rejections under 37 C.F.R. §112, first and second paragraphs, and prior art rejections under 35 U.S.C. §§102, 103, claims 6 and 9-10 have been amended to conform to the foregoing amendments to claims 1 and 8, respectively, and paragraph [0033] of the specification has been amended only to provide literal basis for the amendment to claims 1 and 8 directed to the fastener members, thereby placing the application in condition for allowance or otherwise in better condition for appeal.

At the conclusion of the December 7 interview, the Examiner advised that he would consider entering the foregoing amendments to the specification and claims if any required additional search would not be too involved. Applicants submit that if any additional search is required, such additional search would not be too involved in light of the very specific nature of the amendments and the detailed discussions during the December 7 interview.

Applicants respectfully submit that amended independent claims 1, 8, 14 and corresponding dependent claims 2-7, 9-13 and 15-17 are not disclosed or suggested by the prior art of record.

With reference to the embodiment shown in Figs. 1-5B, amended independent claim 1 is directed to a vegetation cutting machine 10 and requires a pipe-shaped operation rod 11, a motor 14 mounted to a proximal end of the operation rod 11, a drive shaft 12 extending through the operation rod and driven by the motor 14, and a cutting tool 16 provided at a distal end of the operation rod 11 to undergo rotation with the drive shaft 12. A handle comprised of a bar 18 is mounted at a fixing point to the operation rod 11 between the motor 14 and the cutting tool 16. Right and left handgrips 20, 30 are provided on distal ends of the bar 18. A pair of fastener members 24 are provided, each traversing the bar 18 and a

respective one of the handgrips 20, 30, for fixedly mounting the respective handgrip to the bar 18 at a point located substantially at a center of gravity GR, GL of a sum of a mass of the respective handgrip and a mass of a portion of the bar 18 extending between the fixing point and a respective one of the distal ends of the bar 18, such that the fastener members 24 of the respective handgrips 20, 30 are located at positions of the bar 18 at which vibrations transmitted to the bar 18 from the motor 14 through the operation rod 12 are minimized.

As discussed during the December 7 interview, none of the cited references teaches a pair of fastener members each traversing the bar and a respective one of the handgrips for fixedly mounting the respective handgrip to the bar at a point located substantially at a center of gravity of a sum of a mass of the respective handgrip and a mass of a portion of the bar extending between the fixing point and a respective one of the distal ends of the bar, such that the fastener members of the respective handgrips are located at positions of the bar at which vibrations transmitted to the bar from the motor through the operation rod are minimized, as recited in amended independent claim 1.

For example, the reference to Ballas, which has been relied upon for each of the prior art rejections, discloses an apparatus for cutting vegetation having a handle 21 and

handgrips 26, 29 connected to each terminal end of the handle 21 (Figs. 1-2). Ballas does not provide any specific disclosure of how the handgrips 26, 29 are connected to the handle 21. It is clear from the drawings, however, that Ballas does not disclose or suggest fastener members each traversing the bar and a respective one of the handgrips for fixedly mounting the respective handgrip to the bar, and further that such connection is at a point located substantially at a center of gravity of a sum of a mass of the respective handgrip and a mass of a portion of the bar extending between the fixing point and a respective one of the distal ends of the bar, as recited in amended independent claim 1.

Amended independent claim 8 requires a pair of fastener members each traversing the bar and a respective one of the handgrips for fixedly mounting the respective handgrip to the bar at a point located substantially at a center of gravity of a sum of a mass of the respective handgrip and a mass of a portion of the bar extending between the fixing point and the distal end of the respective bar and, therefore, distinguishes from the prior art of record at least in the same manner as set forth above for amended independent claim 1.

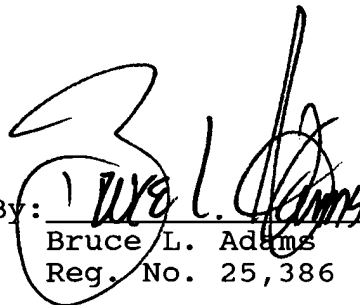
Independent claim 14 requires a plurality of annular ribs projecting from the inner circumferential surface of the handgrip and spaced from one another in the longitudinal direction of the hollow body, the annular ribs having distal ends spaced from the outer circumferential surface of the distal end portion of the bar and forming the escape portions of the handgrip. As acknowledged by the Examiner in section 14 of the September 22, 2004 Office Action, the prior art of record does not disclose or suggest the foregoing structural combination of the vegetation cutting machine recited in claim 14.

Claims 2-7, 9-13 and 15-17 depend on and contain all of the limitations of amended independent claims 1, 8 and 14, respectively, and, therefore, distinguish from the references at least in the same manner as claims 1, 8 and 14.

In view of the foregoing amendments and discussion,
the application is now believed to be in condition for
allowance. Accordingly, entry of this amendment and favorable
reconsideration and allowance of the claims are most
respectfully requested.

Respectfully submitted,

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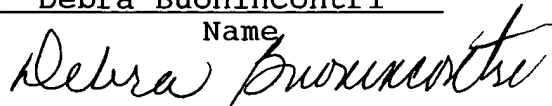
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December 15, 2004